



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105

December 10, 2018

Certified Mail Number 7011 1570 0002 9580 5379
 Return Receipt Requested

Donald C. Van Pelt, Jr., President
 Plymouth Tube Company
 29W150 Warrenville Road
 Warrenville, Illinois 60555

Re: CERCLA Section 104(e) Information Request Letter
 Orange County North Basin Study Area, Orange County, California

Dear Mr. Van Pelt:

The U.S. Environmental Protection Agency is spending public funds to investigate actual or threatened releases of hazardous substances, pollutants, and contaminants at the Orange County North Basin ("OCNB") Study Area, located in Orange County, California. The OCNB Study Area includes portions of Fullerton, Placentia, and Anaheim where groundwater is contaminated with volatile organic chemicals ("VOCs"). EPA is seeking Plymouth Tube Company's (the Company's) cooperation in providing information and documents related to this investigation. This letter requests information you may have pertaining to the Company's acquisition of Crucible Material Corporation's Trent Tube assets, specifically any assets related to former operations at 2100 East Orangethorpe Avenue, Fullerton, California (the Facility). You are requested to answer the questions in Enclosure B. Definitions and instructions on how to respond are provided in Enclosure A.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, 42 U.S.C. §9600 *et seq.*) Section 104(e) provides EPA with broad information-gathering authority allowing EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (C) Information relating to the ability of a person to pay for or perform a cleanup.

The information provided may be used by EPA in administrative, civil, or criminal proceedings.¹ The Company's response should include the name, address, and telephone number of the person to whom EPA should direct future correspondence regarding this information request.

You may consider some of the information requested herein to be confidential, but you may not withhold information on that basis. If you wish EPA to treat the information as confidential, you must

¹ This request for information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act, because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1); see also, 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a).

advise EPA of that request following the procedures outlined in Enclosure A, including following the requirements for supporting your confidentiality claim.

Compliance with this information request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to CERCLA §104(e)(5), which authorizes EPA to seek penalties of up to \$55,907 per day of noncompliance. Additionally, provision of false, fictitious, or fraudulent statements or representations could subject you to criminal penalties under 18 U.S.C. §1001.

We encourage you to give this request your immediate attention and request that you provide a complete and truthful response **within thirty (30) calendar days of your receipt of this letter**. EPA is committed to moving forward with its investigation, and extensions of time for responses will only be granted on a showing of good cause. If you anticipate that you will need an extension, please request one as soon as possible; requests for extensions made at or near the deadline will not be viewed favorably. The Company's response to this information request should be prepared in the form of a letter together with any enclosures, and signed by a duly authorized representative. If possible, please submit your response as an electronic document, rather than mailing physical documents.

The response to this information request should be directed to:

Kim Muratore, Case Developer (SFD-7-5)

Email address: muratore.kim@epa.gov

Mailing address: U.S. EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105

To the extent that the Company has been, or is currently, working with a State or local regulatory agency, such as the Regional Water Control Board ("RWQCB") or Department of Toxic Substances Control ("DTSC"), you should continue to do so. EPA's investigation into current and historic potential sources to groundwater contamination is intended as a concurrent activity.

If you have any questions, please contact Ms. Muratore at (415) 972-3121 or send her an email. Questions regarding the OCNB Study Area's cleanup status should be directed to the Remedial Project Manager, Kathleen Aisling, at (213) 244-1823 or aisling.kathleen@epa.gov. Legal questions can be directed to Bethany Dreyfus at (415) 972-3886 or dreyfus.bethany@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Loren Henning".

Loren Henning, Manager
CERCLA Enforcement Section
Superfund Division

Enclosures (2)

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Every Question Completely. A separate response must be made to each of the questions in Enclosure B. For each question, if information responsive to this information request is not in the Company's possession, custody, or control, identify any persons from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced, indicate on the document, or in some other reasonable manner, the number of the question to which the document corresponds.
4. Provide the Best Information Available. Provide responses to the best of the Company's ability, even if the information sought was never put down in writing or if the written documents are no longer available. The Company should seek out responsive information from current and former employees and agents. Submission of cursory responses when other responsive information is available will be considered non-compliance with this information request.
5. Identify Sources of Answer. For each question, identify all persons and documents that the Company relied on in producing its answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this information request become known or available to the Company after your response has been submitted, EPA hereby requests, pursuant to CERCLA §104(e) that the Company supplement its response.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of the Company, its attorneys and consultants, or any of their agents, consultants, or employees.
8. Confidential Information. The information requested herein must be provided even if the Company may contend that it includes confidential information or trade secrets. The Company may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). For each piece of information over which the Company makes a claim of confidentiality, that claim must be proven. Accordingly, for each document or response the Company claims as confidential, it must separately address the following points:
 - (a) Identify the specific portions of the information alleged to be entitled to confidential treatment;
 - (b) Identify the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, permanently);

- (c) Identify measures taken by the Company to guard against the undesired disclosure of the information to others;
- (d) Explain the extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- (e) Provide pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- (f) State whether the Company asserts that disclosure of the information would likely result in substantial harmful effects to the Company's competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
- (g) To make a confidentiality claim, please stamp, or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. The Company should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit the Company's response so that all nonconfidential information, including any redacted versions of documents, are in one envelope and all materials for which the Company desires confidential treatment are in another envelope.
- (h) All confidentiality claims are subject to EPA verification. It is important that the Company satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, and that the information is not and has not been obtainable by legitimate means without the Company's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to the Company.

9. Disclosure to EPA's Representatives. Information that the Company submits in response to this information request may be disclosed by EPA to authorized representatives of the United States pursuant to 40 C.F.R. §2.310(h), even if the Company asserts that all or part of it is confidential business information (CBI). EPA may also share this information with other parties, such as co-regulatory agencies, if the Company has been notified in advance. Parties to which EPA intends to disclose information contained in the Company's response are as follows:

Department of Toxic Substances Control
California Environmental Protection Agency

Regional Water Quality Control Board
California Environmental Protection Agency

Toeroek Associates, Inc.
EPA Contract Number EP-S9-16-01

Arctic Slope Mission Services, LLC

Any subsequent additions or changes to this list of who may be granted access to the Company's response to this information request will be published in the Federal Register. This information may be made available to these entities for any of the following reasons: to assist with document handling, inventory, and indexing; to assist with document review and analysis for verification of completeness; to provide expert technical review of the contents of the response; or as a co-regulatory agency. Pursuant to 40 C.F.R. §2.310(h), the Company may submit comments on EPA's potential disclosure of any confidential information to these entities within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If the Company has objections to some or all of the questions contained in the information request, it is still required to respond to each of the questions.

Definitions Applicable to Enclosure B, Information Request:

1. Any reference to the Plymouth Tube Company should be interpreted to include, but not be limited to, all officers, directors, shareholders, general partners, limited partners, managers, employees, contractors, assigns, agents, trustees, predecessors, successors, subsidiaries, operating divisions, affiliates and branches.
2. The term "person" includes any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term "waste" or "wastes" includes trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid or sludge.
4. The term "hazardous waste" has the same definition as that contained in Section 1004(5) of RCRA.
5. The term "hazardous substance" has the same definition as that contained in CERCLA §101(14), and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term "release" has the same definition as that contained in CERCLA §101(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
7. The term "pollutant or contaminant" has the same definition as that contained in CERCLA §101(33) and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term "materials" means all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.

9. The term “documents” includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
10. The term “Facility” includes the entire property as defined or any discrete portion thereof, plus any improvements thereto. If the Company’s answer refers only to a discrete portion of the Facility, it should specify which portion is being referred to.

ENCLOSURE B: INFORMATION REQUEST

1. State the full legal name, address, telephone number, email address, and position(s) held by any individual answering any of these questions on behalf of Plymouth Tube Company (the Company).
2. Provide the date and in which State the Company was incorporated, formed, or organized.
3. Explain the Company's present corporate status (e.g., active, suspended, defunct, merged, dissolved) as well as its operational status (e.g., whether and where business operations are occurring).
4. EPA's research indicates that the Company acquired the Trent Tube division of Crucible Materials Corporation in or about 2007. Describe all mergers, asset purchases, stock purchases, or other transactions that occurred between the Company and Crucible Materials Corporation that relate to the sale or transfer of Trent Tube assets. Provide executed copies of all agreements, including exhibits, that evidence these transactions.
5. State whether the Company assumed any liabilities related to Crucible Materials Corporation's assets or operations and/or the Trent Tube division as part of the 2007 acquisition. If so, provide copies of all documentation that evidences the transfer and assumption of those liabilities by the Company.